GRACE HIX TESTIFIES THAT GIRLS FREQUENTLY COMBED THEIR HAIR OVER MACHINES

Miss Hix Also Testifies That Magnolia Kennedy, Who Worked Near Mary Phagan, Had Hair of the Same Color and Shade—Important Admissions Lay Foundation for Defense's Claim That Murder Was Not Committed in Metal Room

STATE ENDEAVORS TO SHOW THAT FRANK VERY NERVOUS AND DID NOT LOOK ON FACE OF MURDERED GIRL

Attorney Rosser Directs His Questions to Combat Claim of Nervousness—Witness Declares She Never Saw Any Red Paint in the Metal Room—State Claims New Evidence Will Soon Be Given—Trial Will Run Into Second Week

Four distinct features marked the trial of Leo M. Frank Wednesday. One was an admission from Miss Grace Hix that the girls frequently combed their hair over the machines in the metal room of the factory; another was a strenuous effort on the part of the state to prove that Frank was very nervous on the morning of the discovery of little Mary Phagan's body; still another feature was the attempt of the state to show that Frank was reluctant to look upon the dead girl's face in the undertaking parlors, and the fourth was the state's effort to prove that red paint never had been seen on the floor of the metal room where the state alleges bloody spots were found.

Around each of these points stiff legal tilts occurred. In developing from Miss Hix's testimony the fact that the girl's combed their hair in the metal room, Attorney Rosser laid the foundation for a refutation of the theory that Mary Phagan was murdered there.

The state is expected to introduce as evidence several strands of hair found on the handle of a turning lathe in the metal room, presumed to be those of Mary Phagan. Attorney Rosser drew from the Hix girl the admission that Miss Magnolia Kenneday, one of the metal room employees who worked very close to Mary Phagan's machine, had hair almost the same shade as that of the murdered girl.

Evidently as to the nervousness of Frank on the morning of the murder was given by City Detective John Black and W. W. Rogers, who, after the body had been found called at Frank's home in an automobile to bring him to the pencil factory. Upon cross-examination by Attorney Rosser these witnesses were unable to furnish any specific instances of Frank's conduct indicating nervousness, beyond the fact that he walked rapidly, talked fast, found some difficulty in adjusting his collar and tie, and several times referred to his desire for a cup of coffee or something to eat.

Both of these witnesses swore that when they took Frank to the undertaking establishment they did not see him look at the dead girl's face. However, neither of them would swear positively that Frank did not do so.

Apparently Solicitor Dorsey regarded as important the testimony of Grace Hix that the factory paints were kept in the polishing room, which a some distance from the metal room. The girl declared that she had seen a few drops of paint on the floor of the metal room leading from the polishing room to the water cooler, but that she had never observed any red paint on the floor. Attorney Rosser compelled the witness to admit that the floors of the factory were very dirty and badly stained and that on account of the dust and dirt only two or three days would be necessary to elapse to make it impossible to determine the color of a stain of pa[i]nt which had been dropped upon the floor.

Attorneys in the case are fighting strenuously over every point however insignificant it may seem to the spectators.

Despite the battle of three days, however, no testimony not already in the hands of the public has been presented. The prosecution, nevertheless, promises to produce new and startling evidence before much more progress in the case is made.

The report that J. M. Gantt, who was arrested shortly after the murder and later released, would give sensational evidence to the effect that he saw Frank and Conley together about 1:25 on the

day of the tragedy was denied by Gantt. Gantt declared he met a friend of his, Rosser Shields, about 1:50 in the afternoon and went to the restaurant opposite the pencil factory, but that he did not see anyone come in or got out of the factory, as he was not noticing.

An effort of the prosecution to develop through the testimony of "Boots" Rogers that Leo M. Frank did not look upon the face of Mary Phagan as she lay is the morgue on the Sunday morning when Frank, accompanied by officers, visited the undertaker's, and an equally determined effort of the defense to show that Rogers did not know whether Frank saw the little girl's face or not, was one of the interesting features of the Wednesday morning session. Solicitor Dorsey, presumably, was endeavoring to show that Frank had lost his nerve and that he could not bear the sight of the child's face, and Attorney Rosser combatted his efforts very energetically. The witness was stopped several times by each side as he was dismissed by the other and made to go over his testimony.

Another interesting feature was the line of questions directed at Miss Grace Hix, the friend of Mary Phagan, who was first to identify her body. Solicitor Dorsey asked her in considerable detail about a door on the second floor, leading to the third story. This door was near the point where the defense claims the girl was killed. It has never figured in the case however, until shown on the solicitor's diagram. The purpose of the solicitor is not yet apparent. Mr. Dorsey also had Miss Dix tell what the natural route would have been from Frank's office to the metal room. The lines on the solicitor's diagram indicate a route which Mr. Frank is supposed to have taken and which apparently was somewhat out of the way.

Before Rogers took the stand the diagram of the pencil factory was again submitted by Solicitor Dorsey, but with all writing removed. After an argument by the attorneys with the jury out of the room Judge Roan admitted the diagram as representing the state's theory.

While lawyers and principals in the Frank trial refuse to estimate the probable length of the big legal battle, those who have been following the case closely now believe that it will run far into next week. Judging from the progress made since the jury was chosen the state will do well if it closes its case next Saturday.

Everybody is wondering whether or not Conley, if he is called, will stand up under the battery of the defense when he takes the stand against the accused factory superintendent. Conley is expected to be the state's main witness.

Conley is almost certain to take the stand twice during the trial. He will, of course, be a witness in the direct presentation of evidence by the state. And it is more than probable that he will be called in rebuttal to refute the statement that W. H. Mincey, defense witness, is expected to make. Mincey claims that Conley, while intoxicated, confessed to murdering a girl on the day Mary Phagan was killed.

So far the prosecution has presented nothing that has not been told the public weeks ago through the newspapers. Attorney Frank A. Hooper, for the prosecution, promises that evidence heretofore unknown will be brought before the jury this week, however. In conversation with newspapermen Thursday morning he said that the state would present important new evidence before it closes its case.

PUBLIC ADMITTED.

At 8:40 o'clock the public was admitted to the court room until the seats were taken. About fifty people were left outside when the doors were shut again. Frank already had arrived from the jail, in charge of the sheriff. Judge L. S. Roan was in his own chambers.

The jury was waiting in the room designated for its use. No woman appeared among the crowd first admitted to the court. Frank, the accused man, appeared cheerful, and chatted unconcernedly with friends close to him.

Court reconvened at 9 o'clock. The judge, lawyers and other principals appeared in mohair or linen suits.

Newt Garner, special deputy attached to the solicitor's office, produced the diagram which the solicitor had sought [...]

Did Frank Look at Mary Phagan's Face at Morgue on Sunday?

[...] to introduce as evidence Tuesday afternoon and hung it again upon the wall. The key writing and most of the lines had been erased.

The solicitor again sought to introduce the diagram in evidence. The defense objected. The defense objected even to it being hung where the jury might see it. Attorney Arnold pointed out a heavy dotted line and two crosses and two red dots, assuming that they illustrated the story which the negro, Conley, he supposed would tell.

Solicitor Dorsey cited a decision by the state supreme court.

Judge Roan asked Mr. Arnold if all the writing which might indicate the meaning of the lines and crosses and dots had been removed. Mr. Arnold admitted that the writing was erased. "But, your honor, writing is not necessary in order to explain a picture of a horse," he argued.

STATE WINS A POINT.

Judge Roan asked Mr. Dorsey. "The lines simply indicate the state's theory, do they not?"

Mr. Dorsey answered affirmatively.

Judge Roan admitted the diagram as evidence, and the jury was brought in and the trial began.

W. W. Rogers, formerly a county police officer, in whose automobile the officers went to the scene of the murder and in which they brought Frank there, went upon the witness stand.

Rogers now is a bailiff in Justice Girardeau's court. He is known as "Boots" Rogers.

Along about April 26, he said, he was operating an automobile for hire between Buckhead and Roswell.

ROGERS TELLS OF TRIP.

On April 26 he was riding around town in his car. That night he was at police headquarters with his car. About 3 o'clock Sunday morning, April 27, a call came to police headquarters from the pencil factory, and he drove some officers up to the factory on Forsyth street.

The officers were let in through the front door by the negro night watchman, Newt Lee. The negro led them to the basement where they discovered the body of Mary Phagan.

Rogers was present when Detective Starnes used the telephone in the pencil factory office. This was just after daylight, between 5 and 5:30 o'clock. He couldn't recollect exactly what he heard Starnes say nor did he know what replies came over the wire.

Starnes was asking some one to come to the pencil factory. He did not know to whom Starnes was talking. He heard him say, "I'll send an automobile for you." The detective hung up the receiver and asked him, the witness: "Will you drive to Mr. Frank's home, 68 East Georgia avenue, and bring him to the factory?" He consented, and went there with Detective Black, the drive requiring five or six minutes.

Detective Black preceded the witness to the door of the home. Black knocked on the door or rang the bell. In "a few minutes" the door was opened by Mrs. Frank. To the best of his recollection Mrs. Frank wore a heavy bathrobe. She opened the door wide and Detective Black and he stepped into the house entrance.

FRANK WAS DRESSED.

Black asked for Mr. Frank. Mrs. Frank called to her husband, and almost instantly he walked through the portieres in the hall toward the door. He was dressed for the street, with the exception of collar, tie, coat and hat.

Solicitor Dorsey inquired whether Mrs. Frank also was dressed for the street. Attorney Rosser objected. Judge Roan sustained the objection.

Frank wore a pleated bosom shirt. The witness said he noticed that particularly because it appeared to be ironed so nicely. Solicitor Dorsey requested the witness to go ahead and tell the jury what Frank had on.

Witness replied that he could tell only what he saw. Frank had on shoes, blue hose (he thought), blue trousers, white shirt and suspenders (he thought).

Describing Frank's actions after he entered the reception hall, Rogers testified that Frank walked directly to Detective Black and inquired, "Has anything happened at the factory?" Black did not answer, but hung his head.

FRANK ASKED QUESTIONS.

"Frank then came to me," the witness said, "and asked me the same question, and I did not answer." Turning to Black again, Frank asked, "Did the night watchman call up and report anything to you?"

To this question Black replied, "You'd better get on your coat and go with us to the factory."

Rogers testified that he did not hear Starnes tell over the telephone to whomever he was addressing, that a murder had been committed at the factory.

About 3:30 o'clock, he said, he heard Call Officers Anderson, who had Newt Lee in his custody, trying to call some one over the telephone from Frank's office in the pencil factory.

The witness returned to the scene at Frank's house. Frank asked his wife for his collar and tie.

Solicitor Dorsey asked Rogers if anything was said about dreams while he and Black were at Frank's home. The defenses objected. Solicitor Dorsey said he was refreshing the mind of the witness

from the transcript of evidence taken at the coroner's inquest. Rogers replied.

FRANK'S DREAM.

"Mr. Frank said something about the phone ringing early that morning. He didn't know whether it actually had rung or whether it was a dream."

Rogers testified that Mrs. Frank asked her husband to drink some coffee before he went to the factory. Frank said, "Yes, I'd like to have time to drink a cup of coffee." Detective Black said, "I think a drink of whisky would do him good."

Mrs. Frank explained there was no whisky in the house because her father, Emil Selig, had suffered an attack of acute indigestion and had consumed it. Rogers asked Mrs. Frank for some water to put in the radiator of his automobile, and on her permission went back into the kitchen and got a bucket full of it.

There was no preparation being made for breakfast in the kitchen and there was no fire that he saw. There was a gas range there, said the witness. Rogers said that Frank was "extremely nervous," that his voice was refined or strained and "kind of lady-like."

FRANK APPEARED NERVOUS.

Frank was rubbing his hands and put questions abruptly and moved above briskly in the hall. Frank had his hair combed when they arrived at the house five or six minutes after they left the factory.

"On the trip to town, about how long did it take you?"

"About five or seven minutes. I remember looking down at the speedometer and seeing that it registered forty-one miles an hour."

"What was said about Mary Phagan?"

"One of us. I think it was Black, asked Frank if he knew a girl by the name of Mary Phagan. Frank asked if she worked in the factory. Black said, "I think so." Frank said he would look on the

pay roll and see. One suggested taking Mr. Frank by the undertaker's, and we went there."

"Did you see a corpse?"

"Yes."

"Describe the place and all about it."

"There is a little hall leading through the place. On the left is a chapel and on the right is a large room. In that room the corpse was laying on a cooling board. The room was dark, but Will Gheesling, who worked there, lit a light behind the corpses. Then he took the sheet down and turned her head toward me. I looked back then, to see who was following, and saw Frank step into a little side room which I afterward learned was the place where Gheesling slept."

FRANK AT UNDERTAKER'S.

"Did you see him look at the corpse?"

"I didn't. I remember looking back to see who was following me, just as the head was turned toward me, and then he stepped into this little room. He could have looked at it, but couldn't have seen the face until Gheesling turned it around."

"Did you have any conversation there?"

"Someone asked Frank if he knew her. He replied that he was not certain, but if it was Mary Phagan and she worked at the factory he could tell there."

At this point the witness said that in the conversation at Frank's residence he had heard Frank tell his wife to call up Darley and have him come to the factory.

"Did Frank ask Black any questions at the undertaker's?"

"I don't remember."

"What was Frank's manner?"

"He still was apparently nervous."

"What did he do or say?"

"It was just his general manner that made me think he was nervous—his quick actions and his quick steps."

"When was Frank first told the girl's name?"

"So far as I know it was in the car coming down when he first heard the name and heard that there had been a murder."

"Did he ask anything about her name at the undertaker's?"

"I don't remember."

"How long were you at the undertaker's?"

ASKED ABOUT ENVELOPE.

"Ten or fifteen minutes. We went from there to the factory. As we stopped the car, Mr. Darley and some other man were going into the factory and Mr. Frank called to them. We all went up the steps together. We went directly to Mr. Frank's office, and he immediately opened the safe and took out the time book. Running his finger down a page, he came to the name Mary Phagan. ‘Yes, she was here yesterday to get her pay,' he said. ‘Wait and I'll tell you what time. If I make no mistake, stenographer left at 12 o'clock, the office boy went a few minutes later, and then she came in and got her pay. It was 1:20."

"What else was said?"

"Mr. Frank asked if the envelope had been found lying around the factory."

"What day did he say Mary Phagan got her pay?"

"He said ‘yesterday,' referring to Saturday, April 26."

"Did he give the time any more accurately than at a little after 12 o'clock?"

The witness repeated his testimony regarding Frank's statement.

"What were his appearance and deportment then?"

"He was still nervous."

"Describe his manner."

"He still stepped around quickly, and his speech was quick and sharp."

"Describe his countenance."

"I didn't notice it especially."

"What about the elevator?"

"After he had opened the safe, and so forth, something came up about where the body was found, and I think he said he wanted to see the place. Frank then went by the time clock and up to a switch box by the elevator. He turned this on and the machinery started running."

THE ELEVATOR.

"Was the switch box locked?"

"No, the lock and key were there by it, but it was open."

"What was said about this by Frank?"

"He said that he had been accustomed to keeping it locked until he was told by the insurance company that it was against the law to keep an electric switch box locked. The crowd got into the elevator, and Frank reached for the rope. It was hung (caught), and Mr. Darley helped him to get it loose."

"Describe Frank's manner."

"He still was nervous."

"Go into detail."

The witness repeated his detailed description of Frank's quick actions.

"Did you head Frank ask any questions on the way to the basement?"

"I can't remember."

"Did he then advance any theory about the crime?"

"Frank stated that Newt Lee had worked for a long time with Darley and had been at the factory only a short time. If the negro

knew anything about it, said Frank, Darley would come nearer than anybody else to getting it out of him."

THE TIME CLOCK.

"Did you see anybody take any punch slip out of the time clock?"

"That was later on after we had left the basement and come back to the office floor. Frank suggested to Darley that they'd better nail up the back door and they went back down. The officers left Lee with me, and after they came back upstairs they took Frank through the factory. When they returned to the office, one of them officers suggested that they'd all better go down to the station house, and Frank, turning to Darley, said, ‘I guess I'd better put a new slip on the clock.' Darley said, ‘Yes.' Frank took his keys out of his pocket, unlocked the door of the lock on the right, and took out the time slip. He examined the slip and then said it was punched all right.

"Lee was handcuffed and was standing near. Darley also was there. After seeing that the time slip was punched all right, Frank laid it down on the table and went into his office, coming out with a blank slip. While he was in the office getting the new slip, several of us examined the one taken from the clock. When Frank put in the new slip, he asked some of us to help him, and I held a lever. Frank found a pencil in one of the punch holes and asked Lee why it was there. The negro said he put the pencil there so he would punch the right hole and make no mistake.

"Frank locked the clock and on the margin of the slip he wrote in pencil ‘April 26, 1913.' Then he folded the slip and carried it back into the inner office. When I examined the slip I noticed just the first two punches especially. One was punched at 6:01 o'clock and the second at 6:32 or 6:33."

"He didn't notice any skips on the slip," said Rogers.

"He thought if there had been any omissions, he would have seen them."

While they were in the factory, he heard Frank say several times that he wanted to go out and get a cup of coffee. Solicitor Dorsey wanted to know if anybody else said anything about coffee. Attorney Rosser objected. Judge Roan sustained the objection.

LITTLE TO SAY OF CRIME.

"Did you hear Frank say anything about wanting to get breakfast?" asked the solicitor.

"I don't remember that I did, but while we were at his home Mrs. Frank asked if Mr. Frank couldn't get his breakfast before he left."

"While you were in the factory," the solicitor asked, "did Frank talk much about the murder?"

Frank had very little to say about the murder, replied Rogers. When the others pointed out where the girl's body had been found in the basement, Frank said, "That's too bad."

Rogers said he did not notice Frank's eyes. Frank was in the factory about an hour that morning. From the factory they went to the station in his, Rogers', automobile. Darley sat on the front seat beside the witness, and Frank sat on Darley's knee.

Newt Lee, the negro nightwatchman, was in the rear seat with Detective Black. As far back as the witness knew, nothing had been said to indicate that Frank was under arrest. At police headquarters the officers took Frank to the detective chief's office on the third floor. Rogers did not go upstairs with them. He stayed behind to take his sister-in-law home.

Replying to questions by the solicitor the witness did not remember to have seen Frank do any writing at the station house. He did see Newt Lee write. Some of the officers were writing. The solicitor sought to refresh the witness' memory about his testimony on this point before the coroner's jury. Attorney Rosser objected. Judge Roan sustained the objection.

Solicitor Dorsey asked Rogers if he had seen the officers do anything with Frank and Lee at the station house. Attorney Rosser objected. Judge Roan sustained the objection.

The solicitor asked if Rogers saw Frank with a pencil in hand.

ANOTHER OBJECTION SUSTAINED.

Taking up the stenographic record of the testimony at the coroner's inquest, the solicitor stated that he desired to ask the witness what he swore at the inquest. Attorney Rosser objected. Judge Roan sustained the objection.

The solicitor then asked Rogers about Frank's appearance while at the station house. Frank was nervous, said Rogers. Just like he was when the witness first saw him at his home and like he was at the factory. Asked to describe his actions, Rogers and Frank jumped from the car immediately it was stopped in front of the station; that he walked rapidly and nervously into the station; and that what few words he spoke were uttered in a nervous and excited manner. Darley followed Frank to Chief Lanford's office. Rogers did not observe Frank's hands at the station.

CROSS-EXAMINATION.

Rogers was cross-examined by Attorney Rosser.

Rogers testified that he had not seen Frank before that Sunday morning when he went to his home and got him. He did not know Frank's usual actions and mode of expression. He couldn't say whether Frank was perturbed or excited more than usual.

When the officers arrived at the factory, very early that morning, they waited at the door a minute or two for Newt Lee to come down and open the door.

Rogers admitted that they could not tell, at first, whether the body was that of a white or negro girl. They had to pull down one stocking and wipe her face off before they could tell. Rogers said that the cord cut into the flesh of the body's neck, but the skin wasn't broken.

The piece of her underskirt around her neck was over the cord. Attorney Rosser questioned Rogers closely about the time when they returned to town and took Frank to the undertaking parlor.

Attorney Rosser asked Rogers if Detective Black didn't say a drink drink would do them all good.

"Not in those words" answered Rogers. He reported what Mrs. Frank had said about her father having consumed all the whisky in the house. Frank and Mrs. Frank and the lawyers laughed.

Attorney Rosser asked Rogers what he said about Mary Phagan's pay envelope before the coroner's jury. Rogers said that he told the coroner's jury about it, but couldn't recall his exact words.

When they visited the undertaking establishment, said Rogers, he did not know whether Frank and Black were inside when the light over Mary Phagan's body was flashed on.

Mr. Rosser asked him if he didn't know Black was leaning against one side of the door and Frank against the other side. He didn't know whether they were or not. He wouldn't attempt to say that Frank didn't see the corpse then. "Didn't you know that Gheesling was looking at Frank when he turned the light on?" asked Mr. Rosser. Rogers said no.

Mr. Rosser developed from the witness that the elevator appeared to be a rather clumsy and frail affair, but the witness declined to say that it stopped with a bump. Mr. Rosser also brought out the fact that when Darley came to Frank's assistance when they started the elevator, it started toward the top, but Darley stopped it, and then Frank took hold of the rope and ran the elevator to the basement.

Rogers testified that when they found the body it lay with its head toward the front and its feet diagonally across toward the right rear corner.

BRUISES ON BODY.

The body was lying on its front, with arms folded beneath it. The face looked toward the right wall.

Attorney Rosser brought out a repetition of testimony about bruises and slight cuts on the face, and about the examination of

the body by the police. One of the stocking supporters was broken, testified the witness. Her undergarments were torn.

Rogers stayed about twenty minutes in the basement, and then left to get the undertaker and to go after his sister-in-law, who identified the body. Attorney Rosser brought out the fact that Frank went to police headquarters from the factory willingly and readily.

Solicitor Dorsey took the witness on re-direct examination.

"When you first saw the body in the basement, could you tell by the hair whether it was that of a white person?"

Rogers answered that at first glance it looked like the hair of a white girl, but he couldn't tell from the face. Both Rosser and Dorsey interrupted the witness. The solicitor said that what he wanted the witness to do was to say whether he could tell by the hair that the body was that of a white person. Rogers answered that the hair impres[s]ed him that way.

DID FRANK SEE FACE?

Solicitor Dorsey asked the witness if the body that he saw in the basement was the same that he saw in the undertaking establishment. Rogers said that it was.

The solicitor asked if Frank saw the face of the body at the undertaking establishment. Rogers said he didn't think so.

Attorney Rosser demanded to know if the witness had not stated that when he first went into the room where the body lay, he did not notice where Frank was and that Frank might have seen the fact at that time.

Rogers admitted that he said he did not know what Frank's position was when he, Rogers, entered the undertaker's room, but that unless Frank was close to where he, the witness, stood, he could not have seen the face.

Attorney Rosser interrupted again, striving to draw from the witness an admission that it was possible for Frank to have seen

the face of the body without Rogers knowing about it. The witness repeated that he did not think Frank saw the girl's face.

Solicitor Dorsey sought to go over with the witness the testimony he gave on direct examination about this point. Attorney Rosser objected, Judge Roan sustained the objection.

ANOTHER TILT.

Addressing the court, the solicitor said: "All I want to know, your honor, is whether it was possible for Frank to see the girl's face. If not, why not?"

The solicitor put this question to the witness:

"What, if anything, prevented Frank from seeing the girl's face when he turned off into the little room?"

Although Mr. Rosser was endeavoring to interrupt, the witness replied: "The body was lying so that he couldn't have seen it."

"What was it you testified about the envelope?" asked the solicitor.

Mr. Rosser objected. Judge Roan sustained the objection.

Addressing the witness, Attorney Rosser inquired:

"Didn't you tell me that when the girl's face was turned toward you, you were intent upon looking at it and didn't know where Frank was?"

"I told you he had to be close to me in order to see the face. If he was outside, he could have seen the body but not the face."

"Didn't you tell me," demanded Mr. Rosser, "that Gheesling, the undertaker, was in better position to know all about this matter, then yourself?"

"Yes," answered the witness.

"Come down," said Mr. Rosser.

Solicitor Dorsey interposed another question.

"When Frank went into the room, the girl's face was turned toward the wall, was it not?"

"Yes," replied the witness.

"Come down," said the solicitor.

"Look out! Wait a minute," snapped Mr. Rosser. "You were so busy looking at the girl's body that he could have seen the face and you wouldn't have known it?"

ROGERS LEAVES STAND.

"He could have seen the body but not the face. To see the face, he would have had to be somewhere close to where I was standing."

"You just said, did you not, that you didn't know where he was?"

"Yes."

"Come down," commanded Mr. Rosser.

"Hold on!" ordered the solicitor. "Didn't you testify that Frank didn't enter the room where the body lay?"

"Yes, sir," answered the witness.

"And that he stepped off into a side room?"

"Yes."

"Come down," said Mr. Dorsey.

And this time the witness left the stand.

Miss Grace Hix, sister-in-law of "Boots" Rogers, who preceded her on the stand, was called as the next witness.

Miss Hix said that she had known Mary Phagan ever since Mary had worked at the pencil factory, nearly a year. Miss Hix worked with her in the metal room at the rear of the second floor. Mary was a pretty girl about thirteen years old and was well developed for her age. Mary and the other girls working there registered four times a day at the time clock, said the witness, checking in at the

beginning of the day's work, out and in again at noon, and out at inght [sic].

Mary's machine was next to the dressing room, near where the blood stains were found on the floor. Frank made visits through the metal room at least once a day, and that sometimes the girls would see elsewhere in the factory.

MARY LAID OFF.

The last day that Mary had worked prior to the murder was on the preceding Monday, Mary had been laid off then on account of the metal giving out.

Solicitor Dorsey questioned her closely about the metal and where it was kept. His questions indicated that this will become an important point in the state's case.

Miss Hix testified that the metal was kept in a closet under the steps leading from the metal room to the third floor.

Using Mary Phagan's parasol, handed to her by Solicitor Dorsey, Miss Hix pointed out the metal room on the chart. She pointed out also a little room alongside it, occupied by Lemmie Quinn, the foreman, as an office; and the men's and women's toilets.

Solicitor Dorsey asked her if any of the metal had come between Monday and Saturday of that week. She replied that none had come. Mr. Dorsey asked her then if she knew whether or not Frank was aware that the metal supply had given out. She didn't know.

She said that although Saturday was the usual payday, the majority were paid off on Friday night of this particular week, between 6 and 7 o'clock. On the Wednesday preceding the murder, Lemmie Quinn, the foreman, had called her up and told her the girls would be paid off Friday.

With Mary Phagan's parasol again, Miss Hix pointed out Frank's office on the chart, and the register clocks, and the probable course anyone would take in going from Frank's office to the metal room in the rear on that floor.

She pointed out Mary Phagan's machine in the metal room.

GOOD DEFENSE WITNESS.

Miss Grace Hix was cross-examined by Attorney Rosser. She made about as good a witness for the defense as she had for the prosecution, Mr. Rosser bringing out several material points. Miss Hix said that a person standing by the time clock could not see into Mr. Frank's private office.

While Frank often passed through the metal room to see how things were going on, he seldom spoke to any of the girls. She remembered only three times in a about a year that he had spoken to her, and one of those times was when she went to him to bor[r]ow a quarter.

Miss Hix said that she did not know whether Frank knew her name. The floor of the factory was quite dirty, and there were several buckets of a white lubricant sitting around; also different colored paints were used around the factory.

She knew that they used blue and white paints, but was not sure about red paint. Only four girls worked in the department—herself, Magnolia Kennedy, Helen Ferguson and Mary Phagan. She and Helen and Magnolia got their pay on Friday afternoon. They went to the factory together some time after 6 o'clock.

In the metal room she and the other girls were accustomed to comb their hair only a few feet from Mary Phagan's machine. Magnolia Kennedy, she said, had hair of almost exactly the same color as Mary Phagan's. She described that hair as about two shades darker than her own.

Asked to point out somebody in the court room whose hair was about the same color, she pointed to Attorney Arnold. The girls usually combed their hair when they were getting ready to leave the factory.

She described Mary Phagan as being stockily built, quite a strong girl, who would weigh about 115 pounds. Miss Hix said that Darley, as general foreman, employed the help and Frank had

very little to do with it. She described the distance between the time clock and the office as about ten feet.

She never saw Frank manipulate or have anything to do with the time clock, she said. She identified a pencil handed to her as one similar to the pencils which she helped make.

On re-direct examination, Solicitor Dorsey developed from the witness that she had not seen posted notices that Saturday, April 26, would be a holiday and that employes of the factory would be paid off Friday afternoon.

DIDN'T SEE NOTICE.

She admitted that probably she would have seen it had one been posted. These notice cards, said the witness, usually were tacked about at different places in the factory, and usually about a week in advance of the holiday which they related to. She saw no such cards on the Monday before the murder. Mary Phagan worked on that day. Foreman Quinn never had phoned her before. On this particular occasion he telephoned to her Friday after dinner.

Miss Hix stated that she still works at the pencil factory. She did not know where the uncalled for pay envelopes were kept, but thought they were kept in the office. Solicitor Dorsey endeavored to have the witness state whether a person punching the clock could be seen from Frank's desk in the inner office. Witness did not know which desk Frank occupied. Neither did she know whether the door of the outer office, when opened, obstructed the view of the clock from Frank's office. She does not enter the private office, she said.

Solicitor Dorsey questioned the witness in much detail as to where the paint was kept and how it was sued. She said that the paint was kept in the polishing room, a different department from the metal room in which Mary Phagan worked.

The door or entrance to the polishing room is about four or five feet from the door of the dressing room in front of which the red spots were found. She never had seen any paint in the metal

room. However, she had seen drops of paint on the floor outside the polishing room, close to the dressing room and cooler.

Solicitor Dorsey wanted to know whether she could tell whether or not what she saw was paint. She answered in the affirmative. She added, however, that she had never seen any red paint outside of the polishing room.

Attorney Rosser interposed a question. He wanted to know if the floors throughout the factory are not stained and dirty, and if the stains on the floors are not so mixed as to make it hard to distinguish among them. Miss Hix answered that the floors are very dirty and that if paint remains on them for two or three days the dirt would cover it so it would be hard to tell whether it was paint or not.

Miss Hix was excused.

BLACK TAKES STAND.

City Detective John Black was called to the stand.

Detective Black said he had been on the detective force for six years. Before that he was a cooper.

Black testified that he was awakened about 4:30 o'clock on the morning of April 27 by Police Sergeant Bullard, who called him over the telephone and told him of the murder. He went from home to the police station, arriving there about 5 o'clock. He talked to Newt Lee at police headquarters from about 5 to 5:30 o'clock, he said. Then he went to the pencil factory, arriving there shortly before 6 o'clock.

About 6 o'clock Detective Starnes called Frank over the telephone and told him they wanted him at the pencil factory and offered to send an automobile out to get him. He went with Boots Rogers in the automobile to Frank's home, and in answer to a ring Mrs. Frank opened the door. She wore a bath robe. He told her he wanted to see Mr. Frank. A moment later Frank stepped from behind some curtains in the hall.

Solicitor Dorsey asked Black if he had seen Frank before that moment. Black replied that on two previous occasions he had encountered Frank at the pencil factory on cases which took him to the factory. On one of these occasions, said Black, he had a conversation with Frank. On that occasion, said he, there was nothing unusual in Frank's demeanor.

FRANK'S MANNER.

Solicitor Dorsey asked the detective as to Frank's manner on the morning of April 27. Frank was very nervous that morning, said the detective. The solicitor asked him to explain, and Attorney Rosser objected.

Argument followed. Attorney Rosser said: "If my brother (Dorsey) would sit down and quit smiling at me, I'd be happy." Judge Roan sustained the solicitor. The question was repeated.

Black answered that he was very nervous, and had trouble putting on his collar and tie. Frank mentioned breakfast twice, said Black. He asked questions rapidly. Frank asked him if anything had happened at the pencil factory and before he could answer that question, asked him if the night watchman had reported anything to the police. Black said that he gave indirect answers to both questions, and told Frank simply he'd better dress and come down to the factory and see.

Black said that he was watching Frank insisted, too, that he wanted a face seemed pale. Frank's voice was hoarse and "trembly." Black said that Frank insisted, too, that he wanted a cup of coffee before he left the house.

"What was said in the automobile when you were going to the factory?"

"Frank wanted to know what had happened, and I asked him if he knew a girl by the name of Mary Phagan and told him that her dead body had been found in the basement. Frank said he didn't remember such a girl; that he knew very few of the girls employed in the factory.

TRIP TO MORGUE.

"I suggested that we go by the undertaker's shop. When we entered the undertaker's, one of the undertakers was in front. Rogers followed him. Frank went next, and I followed Frank. When the undertaker lifted the sheet down, Mr. Frank looked at her and stepped aside. I would say that he glanced at her casually."

"Do you know that he saw her face?"

"I can't say."

"Did you see Gheesling turn her head over?"

"Yes," that was just about the time Frank stepped aside."

"What do you mean by ‘stepped aside?' Where did he go?"

"He stepped behind a curtain."

"Could he see the body from there?"

"No."

STEPPED AWAY FROM BODY.

"Did he ever go into the room where the body was?"

"Except for that first time I can't say that he did. After he stepped behind the curtain he went away from the body."

The solicitor was interrupted by Attorney Rosser, who declared that he was "viciously leading" the witness. After a little tilt, the solicitor was allowed to proceed.

"What did Frank say then?"

"I asked him if he knew the girl, and he answered that he did not know her just then, but thought from her dress that he had paid her off Saturday and could tell by going to the factory."

"How long did you stay at the undertaker's?"

"About five minutes. We went from there to the factory, and just as we drove up we saw Mr. Darley and another man. There was a general conversation as we went up the stairs."

Judge Roan adjourned the court at that point, 12:25 o'clock, until 1 o'clock.

AFTERNOON SESSION.

A large crowdr than at preceding sessions was waiting outside the court house when the doors were opened Wednesday afternoon. Shortly before 3 o'clock as many as could find seats were allowed to enter, and a number were turned away. A number of women were among the crowd.

Court re-convened at 3 o'clock.